

CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE

MAY 15, 2019

MULTI-PURPOSE ROOM, CITY HALL

2:00 P.M.

Committee Members Present:

Councilmember Bill Hickman
Jim Adair
Cameron Brewer
Lee Hall
Keith McCabe
Richard McKown
Byron Morris
Councilmember Holman

Mayor Lynne Miller

Committee Members Absent:

Staff Present:

Jane Hudson	Ken Danner
Anais Starr	Todd McLellan
Beth Muckala	Scott Sturtz
Terry Floyd	
Sara Kaplan	
Roné Tromble	
Tara Reynolds	

Public Present:

Jayne Crumpley	Bill Woods
Russ Kaplan	Tammy McKown
Brad Worster	Jordan Weaver
Peter Petromilli	Elliott Kahn
Kamala Jolly Stewart	

Ms. Hudson -- If we're not just to have separate areas listed out stating that we're going to be changing the districts or anything like that, it's just the legal that says that the zoning ordinance or the CCFBC will be amended through that advertisement in the transcript. Correct?

Ms. Muckala – Right. An amendment to the zoning ordinance, as opposed to a rezoning. So we follow that process. We do always try to keep notices as broad as we can, but we still do need to provide adequate public notice on the particular areas that are being addressed.

Ms. Hudson – The map will be in there.

Councilmember Hickman – Quick time out for a question. If we added in the pink – changed the one section of blue to pink, would that be a change in zoning or would that be a change within the existing Form Based Code?

Ms. Muckala – No. They are ...

Councilmember Hickman – It's still within the zoning of the Form Based Code. We're just changing ...

Ms. Muckala – Right. They're still zoned Center City, but the portion of the ordinance that is applicable to them would be going through an amendment.

Councilmember Hickman – I guess the main thing is that we have to decide in advance of June 6th if we're going to change the boundary essentially, like we talked about taking out the detached yellow. That would be a change in zoning.

Ms. Muckala – Yes. Changing the actual district parameters would be a rezoning.

Councilmember Holman – Can I ask a question about that, too? Because the main reason I would say we changed it to blue was because we were taking rights away from those property owners – what they could already do with the property. So I wonder if changing it back to pink, because pink was basically more restrictive on what they were able to do by the previous existing zoning. So, as part of the compromise to basically get them not to protest the whole thing.

Councilmember Hickman – I think maybe you missed that meeting when we talked about – I can't remember – but we basically modified the pink where it's essentially the blue that's now – only difference being that pink is up to 2 units, like a duplex, and then blue is now 3 units or more. They'll be able to do the same thing they were able to do essentially under an R-3 zoning.

Mr. Brewer – All that was to keep the property owner there. We talked about height restrictions.

Councilmember Hickman – And in theory I think we talked about 3 under the roof, or whatever that conversation was, and so ...

Mr. McCabe – Two story with an attic story is the legal definition. What I recommended was that we raise the height limit. We had an overall build height which did not allow us to actually fully utilize that. By raising that limit for what currently is being built right now, so that what is currently being built could continue with that height limit. So if we raise that bar, that allows you to build what you're trying to build in the pink. That was the problem prior was that it had a 27' height build limit with the 3' foundation – there was no way you could technically build a 1st and a 2nd floor with anything in the attic. But by raising that height, it allows us to build the attic story, which is under roof and not a true 3-story that would be a 3rd floor plus an attic. I think that's the key word, is the 2nd story with an attic story under the roof – or in the attic, not under the attic.

Councilmember Holman – Was there a height limit in this area before Center City? Because I think that's part of why Campus Corner wasn't included, was because we were proposing ...

Councilmember Hickman – There's a height limit in R-3.

Councilmember Holman – Was there a height limit on Jenkins and Monnett and Deans Row before Center City?

Councilmember Hickman – Yeah. They were all zoned R-3 and that was a 2-story limit. Right?

Ms. Hudson – I think, if you increased your side yard setbacks, you could go up further.

Councilmember Hickman – No. In the original zoning when it was R-3.

Ms. Hudson – In the R-3, if you increase your side yard setbacks, you could go up a third story, I believe. It's almost impossible to do that.

Councilmember Holman – Just making sure we're not taking away – if we're going to put a height restriction on, I'd have a problem with that if there wasn't one before.

Mr. McCabe – I think we have to discuss the height increase. But with the elevated height to allow what's being built to be built, I don't see it as a problem. If we can get that height increase included with that.

Councilmember Hickman – I'm not going to call anybody right now in the back for the time being. We've got a lot of stuff we've got to get through, but I will try to open it up for some public comments here in a little bit. Okay? Jane, go ahead.

Ms. Hudson – These are just the meetings that are on the calendar remaining for May. Here's the slide that outlines the agenda, which everybody has a copy of that.

Councilmember Hickman – At this point, I'd interject here that I have no delusions – or illusions – or I'm not delusional – that we're going to get through these 14 topics today. What we have tried to do is capture all of the topics that have come up in the discussions as a committee to show you everything we want to talk about, understanding that some of them will be – we've attempted to prioritize them based on staff's needs to get discussion done before the Administrative Delay deadline, understanding that some of these things, like the architectural design review committee – number 14 – are likely going to have to carry over into a post-Administrative Delay committee. We don't know at this point in time – I've talked a little bit to the Mayor and talked to Mayor-Elect Clark – whether that's going to continue to be this committee in its same composition or not, but we'll work on those things and get that figured out. But I wanted you to understand this agenda is intended to capture the topics that the committee members have raised and the community has raised and an attempt to put them in the order that's necessary to try to get done for staff for the purpose of the Administrative Delay. So, if you don't see something on here, please email me, email staff, and we can still add stuff to it.

Ms. Hudson – These are just some of the slides. I did include in the Districts – I put pink, the Neighborhood Middle Frontage back in there, which you'll see this is the draft that was in there before the pink was changed to the blue. So it would be this area that you're

seeing on there, if you decide to change that from blue to pink. The pink was to be represented by the traditional duplex, triplex – and with the committee's comments at the last meeting, we had talked about the single dwelling unit, the single dwelling unit with an ADU, or a two-dwelling unit within a single structure, which would be the duplex.

Where we stopped last time – we didn't really stop, but we skipped over the section 402. We were talking about the variations in complete and discrete. This is one of the applications that was submitted and permitted with the variations reviewed under the complete and discrete within the blue.

This is one that was in the blue that was done after the interpretation was that we did not have to require the complete and discrete.

Councilmember Hickman – Could you go back to the first one? So these were both proposals under the existing ordinances. This one was one where they did actually change the complete/discrete look.

Ms. Hudson – The variations, right. The windows, bays, are configured differently. The canopy over the door. The second story.

Councilmember Hickman – Okay. Then the next one is where the interpretation was no variation was required.

Ms. Hudson – Right.

Councilmember Hickman – And they're both duplexes.

Ms. Hudson – Correct. Within the blue, the Townhouse/Small Apartment, it's to be represented by 3 attached units, stacked flats, or townhomes with 3 or more dwelling units within a single structure or attached structures. Then, within the blue, there was a question about the side yard setback. One of the suggestions was, although there are no individual side lot setbacks required, no individual small apartment building or set of townhouses may exceed 100' of street space, and all structures are nonetheless subject to applicable building and fire codes. So there is a possibility that someone could build closer than the 5' within the blue area, because last time we had talked about keeping the 5' side yard setback in the pink, but this would just depend on how they were constructing their exterior walls and how close to the property line they were getting them. So this was one of the solutions that was discussed.

Councilmember Hickman – I think, just to clarify for everybody on this topic – and this is actually one of our separate agenda items, number 4, on the side yard setback. What staff has realized, or brought forward is that, under our existing building code, we will not be able to put walls abutting. We will not be able to create a rowhouse look. Period. In blue, pink – at different times. So if you own Lot A and you build on it and you put in a firewall and the whole 9 yards, and then you buy Lot B or you own Lot B, but you build them separately, or someone else later buys Lot B next door and then builds on it, you cannot then match up to that person's wall, even if they built a firewall and you built a

firewall. Our building codes will not allow that. Period. Unless they build it all together at one time, then it could happen.

Mr. McKown – Why is that?

Councilmember Hickman – I don't know. They're telling us that's what our building codes say.

Ms. Hudson – I visited with our Residential Plans Examiner and kind of went over some of this with her. While I could build on the property line with a firewall, if you came next to me, you would not really have the ability to do the firewall because a true firewall requires a footing, and so you couldn't get the two firewalls together – you could go up to a foot, if you could get your façade on the outside – go up to a foot off.

Mr. McKown – But it's done in other cities all the time.

Ms. Starr – Again, we're talking residential, so let's be clear it's not a commercial building.

Mr. McKown – But it's done in residential in every major city in the country.

Councilmember Hickman – But it's not lot-by-lot development.

Mr. McKown – You build one lot right next to another lot.

Councilmember Holman – That's how every building on Main Street is built – one by one.

Mr. McKown – Literally this morning, looking at that condition on 3rd Street in Oklahoma City there's new building about to get started right up against firewall – an existing building and then be like an inch, maybe. It's done all the time.

Ms. Hudson – Well, I'm happy to bring the Plan Reviewer over and we talk to the CBO. I'm not building code, so I'm just relaying what ...

Mr. McKown – What it does do, from a code standpoint – if you have a lot, you build to your side yard property line, and then I choose not to – that's where I think we're in a tight spot – and I want to have windows on the wall facing your firewall, I now have to be 6' away and I have less than 25% glazing on that wall. I can't be 5' away. So your building on the firewall would put a limitation in terms of fire code. Or, if my building already exists and it has windows on it, then that's going to determine how close you can get to the property line. I understand that piece of the code. But I do think that if this is something we want to accomplish, we're going to end up with these little impossible spaces between buildings that are really difficult from a water management, from a pest management, from building maintenance. We need to get some resolution on this, not just for this area in the Form Based Code, but like for the orange because of what Keith has pointed out again and again. All of these lots are in 50' ownership lengths, and we've got to be able to figure out a way to build a continuous block of city. I don't know if

that's a workshop outside of this for a few of us that are overly nerdy about these things, want to get together.

Councilmember Hickman – What I was going to propose – I wanted to bring this up because it's a stumbling block that we're realizing. I'm just going to be honest with you. The solution right now is not in the Form Based Code. So I'm going to say that's probably a topic that we'll have to carry over and it is a building code discussion. We'll have to bring in some other people from Jane's department to talk to us about it, explain it to us, and then look at – we, in theory, I guess, could make a recommendation to the rest of Council, to the Mayor, of building code changes to help make the vision of the Form Based Code happen. But we're getting outside the Form Based Code and we're getting into the Building Code. We can do that, but I don't think we're going to be able to get it done before the June 6 deadline. I think what's being proposed right now by staff is that we clean up the wording in the Form Based Code to just track with the Building Code and the Fire Code. Then if we change those, then it will change in the Form Based Code automatically. Because right now there is some confusion about – we have references in some areas to side yard setbacks, sometimes we don't have references at all, when in reality sometimes what's in the Form Based Code is in conflict with the Building Code itself. So if we fix the Building Code – if we change the references in the Form Based Code to the Building Code and then fix the Building Code, we've solved the problem. Does that make sense? Beth, did I say that right?

Ms. Muckala – Yes.

Councilmember Hickman – If everybody is comfortable with that, then we can almost check off item number 4 in our list of topics, and we'll add that discussion, Richard, on the Building Code piece as a continuing topic that – we'll add it, if you will, back at the bottom of the list – or back to the list but more from the Building Code perspective. Any feedback on that? You guys okay with that?

Councilmember Holman – That would be a very important piece for me, because at least in the Center City area, buildings connecting to create that walkable blocks.

Councilmember Hickman – I agree. I think this is another example of where my perception is that we didn't necessarily anticipate lot-by-lot development, and this piece wasn't maybe looked at from that perspective, or it just wasn't caught by the staff at the time. I don't know. I think as Jane and her team and Legal have dug into this, we've realized that there's a Building Code stumbling block that's a challenge regardless of what we're trying to change in the Form Based Code.

Ms. Hudson – Last time, we made it up to the orange, so we stopped at the orange going through the document itself. Item number 3 on the agenda is discussion of the allowed uses in the Urban General Frontage, which is the orange. The discussion that we need to have is are we going to allow the residential on the ground floor in the orange.

Mr. McCabe – I'll jump. This is part of the discussion that I think we've been needing to have as far as every color. Are we saying that, if you're in the pink, you can only build this product only? If you're in the blue, you only build this product. If you're in the orange, you only build this product. Or is that the minimum that you build in that color, but you're still allowed to build – if you have a single family home and you happen to be in blue and you want to rebuild your single family home – you're not allowed to.

Councilmember Hickman – That is correct.

Mr. McCabe – So that's the discussion. Are we saying that the color orange is only this, or are we going to allow residential in the orange, which then would reduce the height? That's part of this discussion, whether it's now or later. What exactly does that category mean? Is that the minimum that you build up to? Or is that exactly what you build?

Councilmember Hickman – Well, I think the challenge with orange, from my perspective, and from my participation in the charrette process, is that people believed that was going to be the mixed use density area and not a structure that was all residential or, for that matter, all commercial, if you will. Maybe retail shop on the bottom, offices above. Maybe an office on the bottom and residential above. But it would be some form of mixed use, which is why I think I made my position pretty clear that I would prefer that we do not allow residential on the ground floor in orange, otherwise we're just having more blue everywhere, including Gray Street and James Garner. Beyond that, I think what staff has put forward to us today is, if you're in pink, you can build any type of structure you want up to a maximum of 2 units in a project. That can be a single family home, a home with an ADU, or any type of a duplex type product. If you're in blue, it's 3 units or more to promote more density in the blue and to promote the live/work/play environment for young professionals, empty nesters and retirees. So you're right. The way we are drafting it currently is a single-family home in blue cannot be rebuilt as a single family home. The hard truth is this is urban redevelopment and we want more density. Those are part of the visions of the Form Based Code. It's a hard thing for me to say as a Ward 4 rep, because I hate to see single family homes lost there, but I think that's the truth of the matter of what the vision was. That's why I hold firm in my mind that the vision wasn't for orange, in going through the process, to be all residential properties – for those to be 100% residential. I almost think, if we're going to continue to allow it to be all residential, we almost have to have an orange and an orange light or something that says if you're all residential you've got to do these rules, which are basically the blue rules maybe, and if it's going to be a true mixed use, then it's whatever the mixed use rules are.

Mr. McCabe – Where I'm going with that, is that's kind of what you have in the orange right now. You do have the two categories. You have orange, which is the Urban General, or – you have that right now in the orange. So that is where I'm trying to go, is are we going to eliminate one of the two options that the orange currently enjoys? Because they have that option now.

Councilmember Hickman – To be all residential?

Mr. McCabe – Or commercial down/residential up, or however they divide it. That's where we started talking about the 36" step up. But, currently they have that option to do residential down.

Councilmember Hickman – Correct.

Mr. McCabe – I think that's the part we need to decide. I think once we decide that, then everything else falls in place in the orange.

Councilmember Hickman – I agree.

Councilmember Holman – I agree with you. I'd rather not that it be residential on the first floor of the orange. I think it's a little bit, maybe, difficult for everyone to envision now, but we've talked about it. James Garner/Jenkins is going to have a lot more traffic in the near future with the James Garner extension connecting to Flood. We're going to redo James Garner from Acres all the way to Duffy.

Councilmember Hickman – People driving down to the new senior center.

Councilmember Holman – Yeah. Exactly. Right past where the newer developments – the restaurant, the bar that we approved and the apartments on top right there on Apache and Symmes and everywhere. There's going to be a lot more traffic going through there in the near future, and I think that area will be more attractive to commercial. I don't think we have the ability to support that much more commercial right now. We have empty storefronts on Main Street and Gray Street. If we were going to allow residential on the 1st floor, I think it would be something that I think Richard mentioned before that if that was going to happen, it would need the doors to those apartments need to be coming out on the street, not into a hallway inside the building. It can't be just a blank wall all the way down the block. Those 1st floor residences would have to come out onto the street – that would be their entryway. That's how I would prefer it, understanding the reality that we may not have the commercial demand to support all that much space currently. Even though I really like the idea of James Garner being a southern extension of the downtown Main Street look, with mixed use.

Mr. Adair – I almost feel like we're talking about 2 different orange areas. On Garner, I certainly don't see requiring all the ground floor to be commercial. I think you permit it, but also permit residential. On Gray Street, I kind of go the other way. Gray Street I think I want to prohibit ground floor residential. Again, we've always got the CCPUD option. We were talking about in the blue area, if a single family house burns down, you can't rebuild it. It takes you 3 months, but you can come back to Council and do a CCPUD. Council always has that kind of discretion.

Councilmember Holman – Apartment buildings, multiple stories that they wanted to build on Gray Street and they had one main entrance off the street, apartments in there, that

would be something. But I wouldn't want just one single door that just opens up onto the sidewalk.

Mr. McKown – Look. These are photos from the charrette. These are the positive photos. The bottom 3 are all residential. Period. This one has the doors right onto the street. This is an example of an internal corridor, which I don't think we should allow. This is just an urban street.

If you look at the greatest city in the world and go to Park Avenue in your mind, it's a residential street. You have restaurants and shops at the corners, but you've got huge long blocks of building after building after building. If you go for a walk from the Plaza Hotel to the Frick Museum, you walk past residential building after residential building. It's one of the greatest walks you'll ever go on in New York City.

We talked about in previous meetings, the concentration of retail on Main Street. If you turn Gray into a really potent, viable version of this, where you have a lot of people living on Gray Street – for example, across the street from the Post Office is a big blank building that we're stuck with forever – it will never go away – so you don't even have the vibrancy of active both sides of the street. But people would probably live there on the other side, and then they would walk a block and shop on Main Street and eat on Main Street. We need people living down here – grown ups – actual grown ups – and have shops, retail everywhere.

You're putting a back-breaking requirement on projects. You've got a 3-hour fire separation, and different fire suppression systems on the ground floor. You can use plastic pipe on the upper portions in residential, and then it's all commercial on the ground floor – different type and size of water meter to go in and feed that thing. It's a very punitive and prohibitive thing, and developers all over the country – in this part of the country – have to give the retail space away. If you go up today to the St. Anthony's area and look at The Lift, it's full. We check their occupancy every month; they're over the 90% occupancy rate. All their retail is still available, and they'll cut any kind of deal you want – anybody want to go up there and put in some retail. Because there's not enough human beings to support retail everywhere. There just isn't.

We've got Main Street kind of working, but Gray Street would just be a delusion of that. Not to mention I think we have a plan on the shelf that we spent a lot of time on just to make Porter Avenue come to life again. You've got to have people living down here. Again – adults.

Councilmember Hickman – Richard, that's why I pumped the brakes. I'll say something that Cameron has said, which is this is a 25-year plan. There may not be the support for retail – and it doesn't have to be retail; it can be office space. Hey, I have a small law firm and right now I'm on the ground floor in the building that I'm in. I think that a mixture of office and retail of some sort on the ground floor can help bring that vibrancy.

Mr. McKown – Office is toxic to the sidewalk, because you go home and then it's quiet and boring and closed in the evenings, not to mention if you're trying to get work done you probably pull the shades so that people aren't walking by looking to see if they can come in and say Hi.

Councilmember Hickman – The bold multi-media office for that storefront is very interactive in the way they. The bulletin board – there throughout the day and going out and shopping at lunch time, which is part of why downtown Oklahoma City is beginning to revitalize because you've got – both your park example during the day when they're working and then shopping and then the people that are now living down there are also part of that park in the evening and are shopping. Right now, we don't have many people like me that office and actually work downtown. We don't have a good mix of the people that work downtown and are there during the day working and shopping and the people that live downtown working and shopping.

Mr. McKown – The benefit of people living on the ground floor is they take their dog out for a walk on a relatively regular basis, and that gives you activity on the street all night. If somebody is wandering along deciding to sit down on the stoop and camp out there, or light one up, or whatever it is they're wanting to do – or take a leak – the thought that somebody might open a door and step out with a 60 lb. dog at any minute prevents that kind of misbehavior. If it's just a whole bunch of offices or just a whole bunch of retail that's closed at 9 p.m., now the street belongs to whoever is on the street.

Councilmember Hickman – But it won't be; there'll be people upstairs as well.

Mr. McKown – No, I'm telling you there's magic in having the doors on the street. It's a whole different dynamic. When you concentrate it to one door – all the people upstairs coming down to just one door -- it's a very different experience.

Councilmember Hickman – I respect your opinion, Richard, and your experience. Don't get me wrong.

Mr. McKown – I'm telling you ...

Councilmember Hickman – My actual point is, on the residential, like I've said before, to me we are being naïve if we don't recognize the elephant in the room, which is that the economics of student housing is going to drive every form of residential development that we allow in this area in my opinion at this time. If we think we're going to get these pretty pictures right here and those kinds of developments – that would be wonderful. I would love that. I feel like my job as a Ward 4 rep is to protect the opportunity for that maybe to come, or to protect what we want, which is live/work/play – young professionals, adults have a place to live and not a bunch of students rolling out onto Gray Street or more of them, if you will, down to James Garner. Like I said to the Downtowners, this is a critical decision we're making. If we make the wrong decision, we lose an opportunity for a lifetime to have an area where young professionals can live, work and play, retirees can move to, empty nesters can move to, and it will be all student housing. I believe that, and that's what worries me about residential.

Mr. McKown – If we say it has to be retail or office on the ground floor, it guarantees it will all be student housing, because that's the only thing that can subsidize the free rent you're going to have to give away for your useless retail that doesn't have enough

parking, that doesn't work for any of the national chains, that you put one little shop in after another that blows up and doesn't go anywhere – you'll get all student housing. I'm telling you, retail wants to be out in the burbs with an ocean of free parking around it where they don't have to do all of these complex things. They're little bitty buildings that they don't even have to have fire suppression in. This is not the right place to come and put retail and demand it. We're going to cut off development even further and we're only going to get the things that can pencil, based on their student housing pro forma.

Mayor Miller – Bill, you have a public comment about what Richard is talking about back here.

Elliott Kahn – Just going to throw it out real quick. I was part of the 701 Hudson project in Oklahoma City and we worked really, really hard on that thing and it's a beautiful project and we're right in the heart of mid-town. Our entire ground floor is set aside as a live/work unit and I love that thing to death and we worked really, really hard. But I'll tell you what. We finished that thing in November and it's sitting empty right now.

Mr. McKown – I hear about that unit all the time. We're building another for-sale condominium not too far away, and that unit comes up again and again as like why did they do this?

Mr. Kahn – We talked commercial – in the very beginning stages, that entire floor was supposed to be a commercial unit and we just really struggled to get some bites on it.

Councilmember Hickman – How much student housing do you have with that project? Do you have a university a half mile away?

Mr. Kahn – Yeah, we do. There's actually the Loft School.

Mr. McKown – The other complexity to why they didn't do commercial there is the restriction on financing for owner-occupied condominiums. So if you've got more than X percent of commercial, then you can't get a conforming loan that Freddie Mac or Fannie Mae will buy in secondary mortgage market. This is super restrictive and starts to choke off every kind of opportunity to find ways to make development happen.

Councilmember Hickman – Okay. Anybody else?

Mr. Brewer – I made some comments about Main Street last time. My strong preference would be to build upon our two gems that we have and that's Main Street and Campus Corner. I do not believe, with how structures are built today, that you can recreate the character we have along there. If we have new development along Gray, I just don't think that viability of retail – if you are building potentially cheaper construction then that will influence tenants to go into locations that may not be the best place for them because of cheaper rents. If that's pulling them away from Main Street – I know I've been saying this is a 25-year plan and even over 25 years the viability of commercial districts – that's Main Street and Campus Corner. I think if you go out too far outside of

there, you may get a random little thing that works, like a Midway – I hope the bar works off James Garner – and I love those little establishments, I really do. But I think that if you designate an entire street for office and retail only – not just the entire street, you're going even farther than the stretch of what is the primary commercial district of Main Street, which is 4 blocks. We are looking at 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 – 12 blocks of orange, and right now 4 blocks of Main Street we can't keep that full 100% all the time. So you're talking about 400% increase – well, sorry, I missed 2 that are just south of Main Street right there – another block and a half. So over 400% increase that you're requiring office or retail on the first floor. Talk about that illusion – we keep talking about examples in downtown Oklahoma City – the Arts District garage is another one. The city required that they put – or, sorry, it was a city structure. They put 1st floor retail. They could not give those spaces away. It's now leased by one coffee shop, which is fantastic. Everything else are non-profits in the 1st floor and it's a highly subsidized rent. I'm glad Clarity Coffee Shop is there, but after 5:00 you talk about a dead space in downtown. The non-profits go home and that's it. It was supposed to make a viable retail corridor. I feel like that's what we would be forcing on these areas, and that's not what they're made for. I actually go opposite a little bit your thinking. I would much rather build Gray Street as a residential support for Main Street, because you have that character along Main Street that is existing, that's built for retail. If we were going to make any connection, it would be along James Garner so that you create a commercial connection – from a walkability perspective, you want an interesting walk that's well-lit with activity going on. If you're going to have any sort of connection, I think it would be along James Garner where, if you didn't have retail – if you didn't have a little bit of retail corridor, it would support Main Street and Campus Corner as a connection. But, even then, you're talking about 4 blocks with residential in between, and you're asking pedestrians to come pretty far off what feels like a commercial corridor right now into an area that will not feel the same.

Councilmember Hickman – Cameron, again like Richard, I very much respect and appreciate your opinion and experience. Where I disagree is that 8 blocks on Gray -- the 2 extra blocks on Main Street are commercial right now, and they haven't destroyed Main Street. What you're actually doing is taking 8 blocks of commercial off of the books and making them residential. I mean, if you drive Gray Street right now, there are ...

Mr. Brewer – Commercial is still allowable, though.

Councilmember Hickman – I understand, but we have to understand that it could all redevelop as residential. What I'm saying is that the argument that forcing commercial on the ground floor is going to kill Main Street, I respectfully think is flawed because they're already commercial. If they haven't destroyed Main Street right now, and it's all commercial – it would be one thing if they were residential right now and we were rezoning and making them be commercial and then we were forcing more commercial on the books, but all of that is zoned commercial right now. The only really new commercial, if we took residential off the ground floor of the orange, would be that 4 blocks on James Garner, because all of the rest of Gray Street and Main Street is already zoned commercial, and so it's not like that commercial that's there existing is destroying Main Street, because they're already cohabitating. So if it redevelops and – what I'm

beginning to wonder – well, let's say like the big development where Cici's Pizza – that could all become one big massive apartment complex. Where are all those stores going to go? Moore? I worry that we're going to be running some of these small businesses out of town because – Hooper Printing and all these little shops on Gray Street – if those places get bought, where are they going to relocate to? We don't have other office space like that or little shops like that. Maybe the big shopping mall area – maybe those people can find places. I guess my fundamental concern or thought is – that's where I disagree, because all of that on Gray and that part of Main is already commercial and they're already there. What we're actually doing is those small businesses and those commercial properties would be run off, potentially, by it all being converted to residential.

Mr. Brewer – But commercial will still be allowable ...

Councilmember Hickman – But the reality is it may not be built commercial if we allow it to be all residential. In my opinion, we're fooling ourselves if we don't recognize that.

Mr. Brewer – That adds support to the viability of the businesses that are right next door. You're literally putting somebody in the door that will support this business.

Councilmember Hickman – They could be living upstairs, like what Jim has done in downtown. I think that's shown that that's a successful ...

Mr. Brewer – Which I think would be a great project. I think that if you had commercial on the 1st floor with residential above, that would be a great project. I also think a great project would be all residential where you're adding more units on the 1st floor and that's just adding further viability to that particular project that's right next door.

Councilmember Hickman – I understand.

Mr. Brewer – We're all talking about the vision here, regardless of what this is going to look like from a developer at the time. I'm not sure prohibiting 1st floor residential is going to stop student housing from occurring. I think that you are going to get student housing with retail uses that will probably not be desired by the neighborhood, because they will only be serving those students that are living above. If you're going to give any sort of viability to a mix of retail – maybe that's inevitable either way no matter what we do. What serves the students right now on Campus Corner on Boyd Street is sandwich shops, which are great. I like those places, too. That's likely – if you're going to be getting cheap, light, quick service retail that – your opinion on whether that's a good thing or not.

Councilmember Hickman – I guess what I would say, my understanding – and Jane, tell me if I'm wrong about this – is if we require commercial on the ground floor of some sort, it requires the quality of the building that's constructed to be safer because there are more stringent standards there. I understand that might make it cost more money. But if you're talking about having students, or anybody, living upstairs, it's going to be a safer

building – and I'm looking at Jane to see if I'm saying this right – if there's a commercial component to the building, the safety measures or the quality of the construction is to a higher standard than if it's all residential. Is that – Richard, Jane – is that right?

Ms. Hudson – What I was told is that, if you have commercial or retail or office use on the ground floor, and you put commercial above, then the sprinkling requirements are different. It's not a residential sprinkler that can be allowed; it would be a commercial sprinkler that would be required. I can't speak to the construction material, but I know that's what I was told, that it was more expensive to have the residential above if you have commercial below, as opposed to having all residential.

Mr. McKown – Have you ever heard of flue fire? We've had one already at Urban Johnny that hundreds of people living upstairs and the restaurant is 5 years old and we caught the flue on the fire. It doesn't feel safe to me. Meets all the requirements – 3-hour firewall all the way up – 52 feet in the air. It's not safe at all mixing these uses. Having a residential building that's all made of the same thing that has just got people in there living in there – way safer than starting to bring in a restaurant and frying and flipping hamburgers. I've been in a building in Kansas City on the 10th floor when the whole building filled with smoke – had a flue fire. It's not fun. No. I won't buy that at all. Yes, the requirements are very high, very punitive. We certainly have an architect that might be able to weigh in on that.

Mr. Adair – When you do residential over commercial, your insurance is about double of what you would have if it was all residential or all commercial.

Peter Petromilli – We're just doing it right now on James Garner – commercial on the 1st floor and residential above. As soon as you get to the residential units you're back to the same code. So you have a commercial sprinkler system on the – well, I say commercial – using the iron pipes on the 1st floor, and then when you get to the residences you go back to the same pipe you use on the residential units that really the only difference is that in the stair tower you've got a pulsation.

Mr. McKown – The cost to build 2,000 sq. ft. of residential in this urban context is going to be at least double – maybe a little bit more – than going and building it in a suburban context with free-standing, stand-alone building. It's really difficult.

Councilmember Hickman – I understand, Richard. I guess my comment on that, to put everything in context, is if I just said to you 5 years ago would you pay a quarter of a million dollars for a 50' lot in Center City area, you'd have said that's crazy, that will never pencil. Guess what? That's the standard now. Keith, is that right?

Mr. McCabe – I buy them all.

Councilmember Hickman – My point is that the economics, because of student housing, skews everything. With all due respect to all the walkability and spec stores – all of which I've read and I love – we are dealing with, in my opinion, a unique area that is unlike

arguably any place else in the State of Oklahoma because of the ocean being the University of Oklahoma and the prolific development of student housing and the economics that that is driving. I honestly feel like we're being naïve if we don't have that in the forefront of our thoughts when we're analyzing what we're going to allow, and what that means would be allowed, and what would be the likely product when the economics of student housing is so overwhelmingly strong. I just don't see in large parts of this area -- including Gray Street, including James Garner -- very often getting people like Peter, who has done both now, actually stepping up and doing the commercial component if we allow all residential in all the orange areas. I'll tell you right now that if I was a developer, it's probably cheaper for me to go to Gray Street right now and buy a lot than to buy one down in the blue because the prices in blue have gone up, but they probably haven't on Gray Street. So why wouldn't I go to Gray Street and buy a lot and start building my duplexes or that model there? Because I can maybe get the ground cheaper. I'm just saying I think we have to be cognizant of that, because kids will go from Gray Street to the University -- I see them every day going down University right now from living in the neighborhood up by Andrews Park, riding bikes or walking. That's my concern. I believe that people in this community and people in this room truly want to have a place for young professionals to live/work/play. People, I believe, in this room and in this community when they did the charrette wanted a place for empty nesters. They want to have a place for seniors. Right now that form of housing is not available in Center City and it's not even being contemplated in some ways in what's being built.

Mr. Petromilli -- Kind of going on your point with what you were trying to say about the professionals wanting to stay here. I have a very good friend who called me this weekend that was in Austin and he said, man, it's amazing what they're doing here. He was talking a little bit from the student housing standpoint, but then he said they can keep their professionals. I said, well, why? What's the difference there? It's because they can keep industry there and they can keep people there. So this is like the 30,000 ft. view, but it's basically why this code was written. Right? We can try to keep professionals to stay here and grow families in Norman so the city isn't just run by students. So why aren't professionals staying here?

Councilmember Hickman -- There's no housing for them.

Mr. Petromilli -- No. It's because there's no industry for them.

Councilmember Hickman -- The development people would say it's because they're not staying here and that's why the industry won't come. So what comes first? The chicken or the egg. That's a whole other debate.

Mr. Petromilli -- Well, but it's the whole purpose of this. Why are we even doing this if we don't have an answer to that?

Mr. Adair -- Jane, do we have a zero-lot line problem in orange? Do we have a problem with building zero-lot line in the orange.

Ms. Hudson – We've had two projects in orange. One went straight residential and the other one did a CCPUD.

Mr. Adair – I just think the issues we were discussing of setbacks and zero-lot lines – to me it's even more critical in the orange area.

Ms. Hudson – Well, in the orange, the problem – and Peter can speak to this – is that the orange – whatever you guys decide on the residential on the ground floor, but because of the way the map was set up by the consultants, the areas in the orange the required build line is essentially your front property line. So when you put residential with a 3' elevation, as designed so far – the design can change – we had an issue with the stoops being out in the right-of-way.

Mr. Petromilli – We had that on the commercial side, as well.

Mr. Brewer – Well, on that point, I think that the stoops along the orange area is totally ridiculous. That, just aesthetically, doesn't make any sense. If you're talking about aesthetics, the whole point of the 3' stoop was to look like the rest of the neighborhood. The orange areas are, as designated, not within the neighborhood itself, so ...

Councilmember Hickman – So if we're going to have ground floor residential on James Garner, as kids are walking by and looking right into somebody's bedroom window maybe? It's my concern.

Mr. McKown – There's also a way that you can do it to where you can pull the front door back and build the building.

Mr. Adair – All the way down Main Street now you've got to recess your front door.

Councilmember Hickman – Yeah, but you don't have residential on the ground floor. My point is you can have kids walking down the bar over off of James Garner walking down James Garner and if you have more development that's now ground floor residential and you don't require it to be raised elevation, you're looking right into somebody's bedroom window. We just need to be clear that's what we're doing.

Mr. McKown – That happens. It's not a big deal.

Mr. Brewer – You can do that anywhere if you really want to.

Councilmember Hickman – Part of the whole point of the 3' step-up – I think Stephen talked about this – was because the active street edge, we're going to bring things closer to the sidewalk, the 3' step-up was to make clear that dividing between eyes right into the bedroom window.

Councilmember Holman – That's how Mary Madden explained it, was that if you're going to bring buildings up to the street frontage, then if you're going to residential bedrooms there that they need to be raised off the street so that the bedroom windows – or your livingroom window -- wouldn't be right there. That's the historical look of every property in every city. In my opinion, when you have residential on the 1st floor and in an urban setting brought out to the street, it doesn't look good. I've seen that in OKC. In my opinion, from an architectural standpoint, it looks bad. Just looks bad. I wouldn't live in a unit where the bedroom is built to the street line and level with the street. I just wouldn't. Very unattractive.

Mr. McKown – They're our most popular units at The Level building and they have least turnover.

Councilmember Holman – It kills the block, though, because you have a whole wall of just windows and they're even with the street – there's no doors.

Mr. McKown – No, no, no, no. That is not the case. There's 27 doors that touch the sidewalk.

Councilmember Holman – On yours, yes. But there are some up there where the window is right level with the street and I don't like it and I wouldn't want to live in one that's like that.

Mr. McKown – They have our lowest turnover, our highest retention rate. They're our most popular.

Councilmember Holman – They're the most convenient to get in and out of. I'm sure nobody wants to go to the 3rd floor.

Mr. McKown – They're the most convenient to take your dog in and out. It makes it easy to live in the city. The easiest place to live is in a suburban single family detached house with a yard. That's where it's easiest to live. So not only do we want to make it difficult for the developer to develop, but we also want to make it more difficult for the residents to live there.

Was your question about side yard setback, as opposed to the front building setback?

Mr. Adair – Yes.

Mr. McKown – Okay.

Mr. Adair – If we can go to zero side yards.

Mr. McKown – How do we not have the same Norman interpretation of the building code from orange to blue? How is that different?

Mr. Adair – We're not determining. I'm just saying I think ...

Mr. McCabe – I would think it's because the orange falls under the commercial building code, and blue is still considered residential.

Councilmember Hickman – Correct.

Mr. McCabe – I think it comes to the two different building codes.

Councilmember Hickman – If it's all residential, you're going to have the same problem you have in the blue, because it's basically blue. Right now you don't have that problem on Gray Street because it's all commercial. Main Street it's all commercial. The areas that are orange now, if you allow all residential, they are blue, which means they will not be able to go lot line to lot line.

Mr. McKown – Your building type is what is going to determine whether you're going to build under the residential code, the IRC, or under the IBC, and not a zoning code. It has to do with how the building is put together.

Councilmember Hickman – I understand. But if it's all residential, it's under the residential code, which ...

Mr. McKown – No. That's not the case. I'm sorry. That is not the case.

Ms. Hudson – If you're building the traditional duplexes that we've seen constructed, those are reviewed under the IRC. If you are building a 3-story – the stacked flat – you've got 3 stories, those would be reviewed under the IBC.

Mr. Petromilli – So now all the blue items that were required as stacked flats are all being reviewed from a commercial standpoint and an R-2. Either way, it's irrelevant, because it's not a plain interpretation – it's an engineering condition. I mean this is done not just in every other city in the world, but it's also done in the City of Norman every day, too – that foundations are built up against one another, and you have a structural engineer who designs that. That's the only thing that should be required to build next to one another is have an engineer design your foundation, which is already required when you do a 3-story building. So none of these should be an issue.

Councilmember Hickman – So, Jane, in the orange, if the building was all residential, would there – I think Jim's question was would there be a side yard setback of some kind, whether it's 3' ...

Ms. Hudson – Depends on what part of the building code.

Councilmember Hickman – I guess what I hear Peter saying is if it's all residential and it was the blue standard, which would be 3 dwelling units or more, under one structure or

attached, as the definition up here says, would that be under the residential code or the commercial code?

Ms. Hudson – My understanding it would be reviewed under the commercial code.

Councilmember Hickman – And under the commercial code, what kind of a side yard setback would there be?

Ms. Hudson – Depends on the construction of the building. I mean, they could go all the way up to the property line. But, again, they can do that in the blue, depending on how they structure the building, with firewalls and – I'll get Bob to come to the next meeting and talk about that.

Councilmember Hickman – Okay, I guess the answer to Jim's question and to Peter's point is, based on how it's engineered, it could be built to the side yard line. Okay.

Mr. McCabe – Without knowing the complete legality of it, it just seems like it makes sense that if you're building a residential unit on the ground floor in the orange with a commercial property, then you're attaching it to the commercial property – as simplistic as it sounds in my head, I can't build a residential property in a commercial setting. That if I want to build a residential property on a commercial front in a commercial zoned area, to me, it should almost be built under commercial code. If it's built under commercial code, then the side setbacks don't matter. It's commercial code. Then they can abut, they can join, they can do whatever they need to do. Maybe I'm just being simplistic here, but I think that's what the question is, is I think you're trying to put a blue, which is under the residential, beside the orange, but I think if we apply the orange to a residential in the orange area, then it all becomes commercial, that it all falls under the same building code.

Mr. McKown – Yeah. You can still build a Type 3 building, which is wood frame residential structure – you can build a mixed use building on Type 3. The new La Baguette up on Walnut and 4th Street is all wood – I have no idea what they had to do to make that happen, but – and it's all being built under the IBC.

Okay. You're wanting to avoid having more of what's been going on closer to campus find its way all the way up to Gray Street. That makes some sense. I get that. To make it commercial required on the ground floor, you're going to end up with these weird loopholes that start to happen. Whether it's long, skinny clubhouse that's like, well, this is commercial, but nobody's welcome to come in here. Or you end up with only really big projects that can subsidize commercial.

Over the last 4 years, we have put together complete packages of drawings, pro formas of no less than 16 different mixed use projects, none of which have been in Norman. They have all been in areas where TIF or development assistance was readily available, where all kinds of benefits were there to do it, and we've only been able to manage to make like two of them pencil.

So stacking this up on here and saying, oh, we're now going to absolutely require office or retail on the ground floor everywhere that it's orange on Gray Street – you know,

Norman is famous for being insanely punitive, and we can do it. I feel like that's really where you want us to go.

I have spent the last decade trying to learn how to build cities. I'm not trained to argue. I've been all over the region, from the Mississippi River to the Colorado Rockies, trying to figure out how does it work here? We're not Chicago. We're not New York. We're not New Orleans. We're not in an historic city. We're in a place where you can't make it work unless you can figure out how to park everybody. That's true all through the Wild West and the Great Plains. These projects are really difficult to make happen, whether you're in Nashville or Kansas City. I cannot vote in favor of this at all. It's a big change. We spent 3-1/2 years arguing about all this stuff. You have a whole bunch of idealism that came out of California that Dan Parolek brought into this, about well everybody just needs to learn to walk. That's absurd. That isn't going to get us anything built. Yeah, we all do need to learn to walk, because none of us walk enough.

The reality is we have some economic realities – and I can't remember the last time something got built on Gray Street. I'm totally unaware of anybody over there building anything on Gray Street, adding to the occupiable retail or commercial space on Gray Street. Am I forgetting something? We tore some buildings down. We built a parking lot to help Main Street.

Mr. Adair – The project by you was done in the late 70s, probably. Early 80s.

Brad Worster – I have an open permit on my building on the corner of Gray of Santa Fe and I have slow played it completely, to be honest, because of what happened with this, because I'm not going to spend \$200,000 putting two apartments up there if this ruins Gray Street or downtown. So I'm slow playing a build waiting for this to come out as an economically viable deal, so that I'm not ahead of the curve in an area that's not economically viable. I've got several tens of thousands of dollars in plans that will rot if I don't build it. But, no, there's nothing else new on Gray Street. The closest one was Gray and Webster that T. McCall built in the 80s.

Councilmember Hickman – But let's be honest, Richard. I'm not arguing with you, but I think it's only fair to point out that nothing new had been built on James Garner either for decades until now, and now there's been \$10 million of new development on James Garner in a 2 block area. The times, they be a-changing. Maybe they haven't come to Gray Street yet. I don't know if any of the developers in the room have any plans of going to Gray Street or have thought about it. I don't know. But the world is changing. Just like I said, 5 years ago you'd have never paid a quarter million dollars for a 50' lot. Guess what? That's the norm now in Central Norman. I think that's what we have to keep in mind, is that the world is different now than it maybe ever has been in this particular area from the economic standpoint. Things are penciling now that people ten years ago would have said never penciled – probably maybe even 5 years ago. I think Councilmember Holman said that the duplex revolution started in 2011, and until that revolution, the people who thought of that or started that idea would have said some of these things that are happening now would have never penciled. But they are, and they're obviously penciling very strongly because it's continuing to happen, even with the Form Based Code. I'm not saying that's a bad thing. I'm just saying if that's what we

want everywhere – student housing in the form that we're getting right now – then we just might as well close up shop and just let it go and let it happen. If we want truly something different – the vision that the people wanted when they approved this Form Based Code, then we've got to make changes. What I was told was that in the orange area – and I'm looking at Jane again to see if I'm saying this right – that the allowance to allow residential on the ground floor of the orange was, according to Rebecca Bean at the Downtowners meeting, that that was a change made at one of the last meetings – that it wasn't something that was debated throughout the entire course of those meetings.

Mr. McKown – It was debated back when we were doing the charrette. I was here all week – gave up a whole week and came down and drew with everybody. I don't even own any real estate down here. I'm a little frustrated. I'm sorry. I'm a little frustrated we're having this discussion. I'm this close to wanting to just pack up and get back to work – go back to my happy place called Oklahoma City. I'm very frustrated. I've got years tied up in this.

You want to fix it. You say you have to build a 4-story building on Gray Street. Now, all of a sudden, you can't build a duplex there. Nobody knows how to build a 4-story tall duplex. It would be like 12 bedrooms a side. It isn't going to make any sense. I don't even know if you could get it permitted. There are other ways around this, other than just saying we've got to have useless retail everywhere all the time. Retail is really, really struggling in America. I don't know if you've seen any of the charts about how many square feet of retail there are per capita in Europe versus Canada versus the United States versus how many we need. Then you throw in the Amazon effect, and then you throw in Uber Eats and Post Mates. I mean, the restaurant guys are coming in to us going I don't need this 5,000 sq. ft. restaurant anymore – I'm just shipping the stuff out the door. Don't want my restaurant to feel empty, like it's not a cool place to hang out. Yes, times are changing all over the board.

Mr. Morris – Are there any examples of a city that has a similar dynamic to us, about the size that we're at, that's centered around a university economy, that's doing this successfully? I don't know. What is Fayetteville like?

Councilmember Holman – Lawrence or Columbia are both – we're looking at Lawrence right now. Lawrence has a main street called Mass Street – Massachusetts. They have a street called New Hampshire, which is like our Gray Street, except it had a significant amount of high-density mixed use built along it. So Massachusetts Street has all the historic buildings and all that stuff and bars and restaurants. New Hampshire Street has mixed use – retail and commercial on the ground floor – but it looks like New Hampshire Street is where all the people that live downtown live.

Mr. Morris – Are those students, or are they the mix that we're wanting?

Councilmember Holman – I would bet that they are students. Because Lawrence doesn't have a Campus Corner, either. So they're downtown. The same thing with Columbia. There's not a lot that have two like we do.

Mr. Brewer – Quality of build is, I'd say, different than what we've been getting. That's along New Hampshire Street.

Councilmember Holman – That's what I would envision Gray Street.

Ms. Hall – What is on the bottom floor?

Councilmember Holman – Commercial or ...

Ms. Hall – I've really struggled with this, because I really understand where you're coming from and I think we're all aware of retail in America and all those things. The thing that I'm the most concerned about with James Garner in particular is – I went back and read the final charrette summary to refresh my memory and the vision of the participation from the community was this expectation to create this walkable connector from Campus Corner to Main Street was that James Garner was going to be mixed use and it was going to have that energy and that interest. I think right now my fear is, if we leave the residential as an option, that's all we're going to get and we're going to slam the door on any kind of mixed use development along James Garner, because that's mostly what we have now. I mean that's what we're getting now, with the exception of Peter's project. So with the construction that Cleveland County is getting ready to undertake, and the farmer's market, and the wellness center, or whatever that's called – it just seems like there is some hope that we could see more mixed use instead of all residential. So I really struggle, because I feel like, if we just leave it the way it is, all we're going to get is residential, and we're not going to do anything that's incentivizing getting that mixed use that I think led us – the vision that the community was expecting participating in the charrette process.

Councilmember Holman – I think part of what we've got to think about, too, is this plan is about thinking about 25 years from now, and what do we expect Norman's population to be in 25 years? Where do we want to allow growth to happen so it's not happening in a sprawl? I want to make it harder to do sprawl, and get it to where people are doing density because it's not cheap to build in a green field. If we're going to do that – because eventually we'll run out of space anyway, but if we're going to do that, thinking about where all these people are going to go and where are all the commercial spaces that we're going to need 25 years from now. It's hard to imagine this amount of commercial space being occupied now, of course. But if Norman has 200,000 people in 30 years and we have slowed down sprawl and encouraged more density, then it's going to look completely different. It may be able to support that type of thing then. My concern -- I think Bill is trying to express -- is if we don't basically reserve some space for that, if all gets developed into residential, there won't be -- any new commercial will have to go to the edges or somewhere else, because there won't be anywhere in this area to do it. At the same time, I agree that we need people to support these businesses and it would be difficult to get people to develop a building knowing that the 1st floor is going to be empty for 10 years.

Mr. McCabe – Can we look at maybe possibility of quotas? X amount of buildings can be built as residential, maybe X amount can be commercial. Is that viable? I know they do it in condos.

Councilmember Hickman – Did you hear that question?

Mr. McCabe – Basically what my question was, is since the debate is residential versus commercial, is quotas allowed? That you're allowed to build X amount of residential or you're allowed to build X amount – and I'm just thinking about like condominiums and different type of structures that I'm familiar with. When we go into these areas, there's these certain quotas set up – even when they build HOAs for duplexes and condos – so many can be sold as a rental property, but so many have to be – so I know they do those things. Is that even a possibility, to help alleviate this conversation?

Ms. Muckala – Well, quotas – I haven't evaluated any areas within Oklahoma that have used those types of rental quotas that you're talking about. I know that they are popular in certain developing areas out of state. I can't say that they are not subject to various forms of legal challenges, permitting challenges, and regulating challenges. But they are devices that are being used. So, from that standpoint, yes, their consideration – and they are being utilized in other areas.

Mr. Adair – I think we've talked about the minimal amount of new construction that we've seen on Main Street, Gray Street, James Garner prior to the last year. There's been almost none. I don't have a fear that half of Gray Street will develop residentially in the next 3 years. I think the first thing you're going to see is with County parking garage we may hopefully start to see some surface lots regrown. Again, it's based on proximity. You've got stuff within 3 blocks of East Main that will be served by that parking garage. When you get over to Gray, we start literally getting hesitant – you're more than a block away. County is looking at this really neat, creative solution – active edge on parking garage. They're looking at some very creative solutions, because I think they're fearful of leasing that 25,000 square feet of retail space. They don't want just offices and bail bondsmen across from the Courthouse. I'm not at liberty to say what, but it's not traditional retail that they're looking at, but it is absolutely an active edge.

Mayor Miller – Could I say something? In listening to the whole conversation, it seems like we're kind of log-jammed here on the orange. I get what the fears are, but I think we're thinking about – how fast is all this going to develop? If you get some residential, then you're more likely to have something that might say, well, maybe I could support a coffee shop or a restaurant or a fitness center or something downstairs. What really worries me is what's happening with retail. Yes, people come up with new ideas and things. But it's pretty limited. We have a limited number of people that live in this area and it's going to take a while to pull people back in. I think we've done some really good things. But I don't see Gray – I don't see somebody coming in and doing 2 blocks of residential on Gray. I think that you'll get some – as you start building, you'll have more chance to get the retail if you allow the retail on the downstairs. It really worries me if we're going to make it harder to build mixed use and then nobody is going to rent it and it's going to

have to be subsidized – I don't see how we're going to get the development to start on Gray that we want. Have we really looked at the other things? If you say you could build a small apartment or a townhouse, doesn't that keep you from building a 6-bedroom sided duplex? If you say you can build an apartment here.

Councilmember Hickman – It's untested, but we hope.

Mr. McKown – It's different than saying you have to build an apartment here. That would be a different option.

Mayor Miller – I'm just trying to see if there – you made the comment there are other ways we can get other kind of building besides what we're so worried about. We're not worried about students living in an apartment on Gray Street. We're worried about that horrible design that makes it only good for students. So how do we get the apartment houses built that can be used by all sorts of people?

Mr. McCabe – If you build on Gray and allow residential, you're going to be building – there's no lots except the building the City owns and the parking lot – there's no lots. You're going to be buying the same 50' lot that we're purchasing in the residential area, so for me to purchase a piece of property on Gray Street to even want to make it residential, I'm going to want to utilize the whole property, side yard setback to side yard setback, so I'm going to probably have to build commercial property. Because I can't afford to buy a 50' commercial piece of property on Gray Street and lose 10' off of both sides to build a residential and build a residential grade property. I'm going to have to build commercial so I can go up against it.

Mr. McKown – You can build a residential property under the IBC, not the IRC. And you can do it in wood construction as a Type 3 building and build property line to property line and create firewall on each end.

Mr. McCabe – I would agree with you that I can build my façade or my frontage property line to property line, but if I'm going to put that white elephant in the room – about the 6 bedrooms on each side that everyone is worried about, I can't do it with the windows and the second means of egress.

Mr. McKown – That's right. You're going to have to come ...

Mr. McCabe – So I'm going to have to bring it in, or I can't put windows – I can't put bedrooms on the outside. So that, to me, solves the problem.

Mr. McKown – Okay. That's one way of solving the problem, is you say everywhere in the orange you have to build side yard to side yard and you have to build under the IBC, never the IRC. Because part of how that's working is you're able to use that side yard setback for all of your windows to meet egress to have all those bedrooms. Once you have 2 blank walls on your side yard, all you get is the front windows, and that really limits the amount of bedrooms that you can get in a given apartment, especially on a 50' wide

lot. It's tight. It's really tight. In fact, I'm not sure you can get 2 units per floor going up. I've been working on the drawing.

That said, you could also have a height requirement. If you want to go further – Cameron, you may remember this – Brian O'Looney from Torti Gallas came to the DOKC developer luncheon about 4 years ago – a New York development firm. He was explaining part of this presentation – he had given it at the Congress for New Urbanism. He was explaining about how buildings get more expensive per square foot to build as they get more dense – the complete opposite of what the public imagines. Do I need to say that again? The cheapest house to build is the single-family detached house. That is true everywhere – in France, London, here – that is true. Make a duplex, things get more complicated – firewalls. You stacked them up, it gets even more complicated and your price per square foot gets higher. You make it a 3-story walk-up garden apartment – more expensive to build. You put parking – you do a Texas donut with structured parking, it jumps again. Park underneath it in a podium building – jumps about \$40 a square foot. You do something over 6 stories tall and you're in a whole other category and another \$50 jump and you jump over 12 stories tall you're in this \$450 square foot construction costs.

What Brian O'Looney said was when they go in to do a major project, they start with the affordable stuff to build first – no demand for the retail on the ground floor, and in some cases they're going in and building those residential units – residential construction, but going ahead and making the provision for later knocking out an opening to come back and put in storefront glass, which, essentially, pulls that floor slab down to the street level so the ADA requirement – you can just roll right in, and that's a way that Torti Gallas on the East Coast is dealing with this – by choice – in some of their large 80-acre 10-year master development projects, and the last thing they put in is the 12-story tower.

Councilmember Hickman – Okay. So let me ask the committee this – if in the orange – and I'm not segregating different form sections right now, because maybe those will be the same everywhere. If, in the orange, we said basically if it's an all residential development, that basically the blue standard would apply in the sense of 3 attached, stacked flats, or townhomes of 3 or more dwelling units within a single structure or attached structure – 1. Number 2 would be have to build it under the commercial building code – IBC.

Mr. McKown – Let's be specific, the IBC.

Councilmember Hickman – The IBC. Okay. Number 3, you would have to be required to build your building all the way from to the lot line, and you could under the IBC. Am I hearing that right?

Mr. McKown – Side yards.

Councilmember Hickman – To the side yards lot line, which I hear the professionals tell me that that helps, and I feel like it does help alleviate some of my concerns.

Mr. McKown – So that we're clear on this, because I don't want this to get punitively interpreted, that doesn't mean steel studs and conduit everywhere and galvanized electrical boxes. That's not what that means. Type 3 wood-frame construction is allowed in the IBC where we wire them just like we wire all the other wood frame buildings. That's a really big deal. I've spent a lot of time working on that, where there's this misunderstanding.

Ms. Hudson – I have a question. So when you say Type 3 wood-frame, does that put a maximum height on it?

Mr. McKown – It is a maximum height of like 60 or 65' at the mid-point of the building. So you're basically a 5-story building. You could be allowed to go taller, if we even allow that in this area.

Mr. McCabe – But anything over 4, I have to elevate?

Mr. McKown – No. You can do 4 floors of wood frame over a concrete podium. Again, it's your limit on overall building height. You can do 5 stories that are not over ODM, but then you've got to use fire-treated lumber to get your 5 stories. But you can't do 5 stories on top of concrete, I don't think. Although we are looking into that right now.

Mr. Adair – I think ground floor residential is critical.

Mr. McCabe – But to reiterate ...

Mr. McKown – Yes, ground floor residential has to meet ADA.

Mr. McCabe – I think if we're allowed to build that residential property under the IBC code, which is International Building Code, which is accepted by everyone else, then that's going to – do our firewalls, do everything – help limit some of the bedrooms that – which is a concern – because you do have those side setbacks on the second means of egress. So maybe this is the answer that we're looking for in this situation. Just throwing it out there.

Mr. McKown – Yeah.

Councilmember Hickman – Is that maybe the compromise? If we allow residential on the ground floor.

Mr. Kahn – I did have one more question. Does IBC require NFPA-13 or 13R, because I think that's an important distinction as well. I think if you require just NFPA-13 as well, that can be another distinction that can help. NFPA-13 still does allow CPBC pipe – plastic pipe.

Councilmember Hickman – We're getting into a building code weed discussion that I don't want to go down, because we're already running out of time. We've been talking about this one thing almost the whole meeting.

Mr. McKown – Somebody else had a question behind you.

Councilmember Hickman – Go ahead. Sorry.

Tammy McKown – I have a triangular shaped lot that's 200 and some feet long. In the orange.

Councilmember Hickman – We're not going to discuss a specific project.

Mr. Petromilli – Since you're discussing this, though, you should be taking this into account, because this is on that street. This is on Main Street.

Ms. McKown – It's on James Garner. How are you going to build property line to property line on a triangular shaped lot?

Mr. Brewer – There's an option to do a CCPUD, and that's why that's in place – for lots that do not fit the ...

Councilmember Hickman – Regular shaped lots. Good point.

If we compromised on that -- and Jane will come back with a little more detail on the IBC discussion – but to give staff guidance on this agenda item number 2, about the Urban General, if we continued to allow residential on the ground floor, with the dwelling unit requirement in the blue, with the requirement to comply with IBC – which, to me, IBC is IBC – it is what it is, but we can have her flesh it out a little bit more – and then, number 3, you build lot line to lot line – do we have consensus with the committee that you would be comfortable with those requirements allowing residential on the ground floor? Lee, Stephen – I'm looking at you two in particular because you were kind of, I think, with me, in the sense of concerned about that. The follow-along question is going to be, if the answer is yes, is going to be the 3' step-up and how do we deal with that? So let's get past the first question first of are we going to allow residential on the ground floor.

Councilmember Holman – I can likely live with it. Except for on Gray Street. I have a lot of reservation about Gray Street. I have visions of Gray Street looking like Main Street.

Councilmember Hickman – And I guess, listening to the Mayor's comments ...

Councilmember Holman – We're about to make it two-way. That's a big, important economic piece that we haven't talked about. Every economic study in the world shows two-way streets are much more economically attractive than one-way street. I expect that when we redo Gray Street, and we redo the sidewalks and the lights, we make it look like Main Street, which is what we're going to do, that's going to become a lot more ...

Councilmember Hickman – Just look what happened to West Main. It's revitalizing because we did ...

Councilmember Holman – Got six new businesses on West Main Street on one block in the last year alone.

Councilmember Hickman – Because of the streetscape.

Councilmember Holman – From Santa Fe to the tracks – six new businesses since last May.

Mr. Brewer – I guess my counter to that is that there's commercial still allowable on the 1st floor, and we're not being so punitive that we're only allowing ...

Councilmember Hickman – I'm going to tell you and Richard – you get to use that word "punitive" one time a meeting. Putting a quota on that word "punitive".

Mr. Brewer – That was my first time.

Councilmember Holman – I'm more concerned about what Gray Street looks like. If there's residential buildings built on Gray Street, they won't have that same Main Street look. They'll look like residential buildings, I think. Unless we make them – the first two floors have to look kind of – they have to resemble the historic – like what you did with the First Financial Center. It looks like it fits in with the rest of the buildings.

Kamala Jolly Stewart – For the dreamers in the room, who I'd like to be one of – would this code, the IBC, allow for – when our vision comes to life – for 1st floors to be converted into commercial space? If everything were built to commercial specs now – do residential if you want – but make it possible for a second life when we need more business.

Councilmember Hickman – I think that's true. Yes.

Ms. Jolly Stewart – If that is true, then would that give the dreamers a little bit of peace of mind?

Councilmember Holman – I would feel a lot better about that.

Ms. Hall – That's actually ...

Councilmember Hickman – That's a really good point, Kamala.

Ms. Hall – All this residential, can it be like – if it was commercial, could it be converted later to residential? I was wondering that. You mentioned about the 1st floor height and being able to convert down the road to commercial.

Councilmember Holman – I don't want walls on Gray Street is what I'm really getting at. Don't want any blank walls or tiny, little, skinny windows and then a big blank brick wall, then a tiny – they're disproportionate, don't fit.

Councilmember Hickman – We can come back to that part of the conversation. I think that's the complete and discrete.

Councilmember Holman – I would definitely support that change if those were addressed.

Mr. McCabe – Maybe that's where those of us that build every day take it for granted that, when I build under the IBC code, you can always step down from a commercial building backwards into residential. It is terrible – almost undone – to go from residential to commercial.

Councilmember Hickman – That's why requiring it to be commercial IBC ...

Mr. McCabe – So if you require it to be IBC, even though it's residential, you still have the opportunity to take it commercial if market demands commercial property.

Councilmember Hickman – Let me ask the committee this – yes, Jane?

Ms. Hudson – I want a clarification. When we're talking about – essentially what we're talking about is building an apartment complex. Right? When you build an apartment complex, you are being reviewed under the IBC. But you are being reviewed under the IBC under a residential component. So you're not getting commercial buildings; you're getting residential buildings built under the residential code within the IBC. I want everybody to make sure we're clear on that.

Mr. McKown – This is the distinction between Type 3 and Type 5 construction. You would never want to build a building that people are going to live in with steel studs. Steel studs are a nightmare. They make your building just hot as blue blazes or cold as ice. They're a terrible product.

Mr. McCabe – We're still dealing with the same 50'. You build the residential apartments because they're building green pastures – there's no commercial buildings beside it. You're not abutting. You can do that. But if I'm building in a commercial setting, and I've only got 50', and I've got to tie into this – to me it almost makes more sense that I take an existing building, like what Jim has done, and to convert it into residential, than it would be for me to start over and bulldoze and build "apartments".

Mr. McKown – Now, if you're building an urban building, there is a residential section under the IBC. Jane is absolutely right on. You get to build it using the components that you build residential out of. You're not having to do steel studs and galvanized conduit everywhere, and all of the things that a commercial office building would have to build – because you would never want humans living in something like that.

Mr. McCabe – I agree with you, but still, for me to abut a commercial building on a brand new build, I'm going to be required to meet that fire rating. So that fire rating is going to determine – I'm not talking partition walls – I'm talking my exterior walls – it's going to determine how I physically build the exterior of the building.

Mr. McKown – Right.

Mr. McCabe – And if I build the existing exterior to abut another commercial building – the exterior of the building will probably have to be more commercial, as opposed to residential. Now, it allows me to do something different on the partition walls. But if I truly want to touch 50' to 50' – side setback to side setback – I'm still going to be held responsible for fire code.

Mr. McKown – That's true. But to get back to this idea of making the ground floor something you could later come back and convert – one way or the other – the things that would make it impossible to convert it back to commercial use at a future date is if we make the finish floor have to be extra tall. You can have a minimum slope up to keep the rain out, but you still have to meet some ADA requirements so that someone in a wheelchair can actually get in the building one way or another. If it's commercial, they've got to be able to come in the front door. So making this change actually has a huge impact on the whole street level discussion. The other things are going to have to be having ADA size bathrooms, etc. But that's more in the remodel phase. The other component that's really going to be key is having the ability to come back in and change out your fire separation so that your roof, instead of being a one-hour or two-hour separation from this residential unit to the one above, you now have to have a three-hour separation – if you've got somebody with a candle shop downstairs, you need three-hour fire separation from the unit above, which is easy enough to go back and add like 3 extra layers of sheetrock and to go out and change out the fire suppression system to a 13 instead of a 13R – so now you've run cast iron pipe instead of plastic pipe, which is in the rest of the building.

Mr. Kahn – Well, you can do plastic in 13.

Mr. McKown – Okay. But, that said, if you've got load-bearing walls, it gets extra complicated. So it would need to be designed up front to be able to be converted later.

Ms. Hudson – I just want to bring this up. Within the orange, we're talking about doing all residential. As it's written right now, the finish floor elevation shall be no less than 3' and then the ground story shall have a clear height of at least 9'. Now, if you have a building we're going to say that you're going to do all residential, realistically you would fit into the clear height of at least 9'. However, if you come back and you want to convert that ground floor to a commercial use, the requirement is that you have to be at 12'. So if you're going to build along Gray as a residential structure – an entire residential structure – are you going to require that 1st floor to be at 12' as opposed to 9'?

Councilmember Hickman – Here's what I think – if this is a compromise, that we're going to allow residential on the ground floor, and the compromise is that it's going to be the 3 dwelling units per development, built under the IBC code, and to the side lots, it seems to me that we should direct staff to make whatever changes need to be proposed to insure that the ground floor is built to commercial standards, in the sense of a remodel would be relatively easy to convert that residential space into commercial space. It seems to me that that's what people are kind of comfortable with, and it allows the look from the street, like on Gray Street, to continue to be the same. Yes, Jim?

Mr. Adair – Second.

Councilmember Hickman – Okay. That was a motion by me and seconded. All those in favor, raise a hand. Everybody opposed? All right. Good. So in the orange, by doing that, that means that now by requiring the ground floor to be commercial design, that would mean that you don't have the 3' step-up.

Mr. McKown – By lowering the finish floor, you didn't actually change the second story height at all. It's fine.

Councilmember Hickman – By building the ground floor to commercial standards we would not require the 3' step-up, even though the use might be residential.

Ms. Hall – And that's in orange.

Councilmember Hickman – In orange. So just a clarification of that motion.

Ms. Hall – That also addresses the issue of having more spaces that are accessible, which we've been talking about, too.

Councilmember Hickman – Okay. I'm going to try to see if we can cram one more thing in. So I'm going to jump to item number 6, the impervious surface discussion. Everybody get this? Jim, you had an amendment?

Mr. Adair – Yeah, I've got I think three problems – or two of them I think I can address together. In the first section, it talks about a 65% maximum coverage. But then when you get down to 2)c, post-development stormwater runoff rate shall be no greater than the runoff rate prior to redevelopment.

Mr. Brewer – Where is that second part?

Mr. Adair – 2)c in the first section. My concern is we're talking specifically about 50' lots. In a fair number of the circumstances here we're talking about a 1200 sq. ft. house with a driveway – that is what's existing. That's probably 25% impervious surface. The way I'm reading this, the way it's written, it's talking about 65% -- the lesser of 65% or what is currently existing. I just think the currently existing is literally, in some cases, not 65% -- it's 25. I'd suggest that we delete 2)c in the first section. In the second section 2)a – it

basically restates the same thing. I'd delete that. What I'd say to leave in – in the second section in 2)b, no adverse impact on the side, adjacent, or down gradient properties will occur. I think you leave that in. Because, if you don't, I think we're pulling density way down. We're pulling density to be no greater than what exists today.

Ms. Hall – One of my questions is, in regards to what you just said, you know we have multiple examples in the Core of this being a pretty huge issue. No adverse impact – what happens when there is adverse impact, even though there's not supposed to be? Because right now it's up to the person whose lot is getting flooded to file some kind of civil suit for remedy.

Mr. Adair – It's up to the City to say that there isn't going to be any – I'll be honest with you. We have a requirement that – I think Section 5000 of the engineering design criteria – I believe that's commercial standard. I think what we're trying to do is take a subdivision regulation and apply it to a 50' lot, and I'm concerned about the engineering cost as well.

Councilmember Hickman – We're going to have to have engineering. You agree with that, right?

Mr. Adair – I'm concerned about the cost, but I haven't figured out the solution, yet.

Ms. Hudson – Is this a standard subdivision regulation for a residential development? Section 5000 of the EDC?

Mr. Sturtz – It is part of our engineering design criteria, which is designed for subdivision development, yes.

Ms. Hudson – Single family.

Mr. Sturtz – It can be single family or applies to commercial, also.

Councilmember Holman – Along these lines, I would definitely like to have flexibility because, for me, the goal is to increase density in order to disincentivize more suburban sprawl – single story strip malls and houses. Maybe there could be a way you could have more lot coverage but you'd have to pay into this fee that goes toward greenspace acquisition in the area. There's not a City park in this area. If you want to build more lot coverage, you can if you contribute to this fund, or something like that. Because, like I said, my concern about having a height limit and requiring more parking and reducing impervious surface is we're not going to be providing anywhere in the Core Area where you could have higher density. That would just mean there is nowhere else to go but out. So this one area, I support having higher density. In most cities, that means lot coverage is pretty high. In most cities, like in New York, for example, most of the island is concrete so they have a giant Central Park. That's how they've addressed that. Not every single lot could have greenspace on it, because the demand for space is too high there. So their forefathers and planners were smart enough to think they needed a big, giant park

in the middle. Something like that. I have some concerns about reducing the impervious surface if we're also going to require more parking and have a height limit.

Ms. Hall – I'm really curious to understand what everybody's definition is of high density. I've really struggled with that word. To me, when you're talking about redeveloping in Center City and you look at what's there, it's primarily residential. There are some boarding houses, but there are a lot of single-family homes. So anything that we're building in Center City is increasing density, to me. When I think about the transitional nature of what the Form Based Code is supposed to be by Main Street, and then you go to the orange, and then you get a little less dense as you're going to the blue, and then back to the single-family home in the yellow – anything that we're doing in, let's just say the blue area in particular, because I think this is where some of the biggest issues are – we're increasing density. To me, we're already achieving that and, even if we do these things to attend to our stormwater problems and the nature of the topography in this part of town, we're still increasing density. So I'm just curious as to what you all see as the goal of higher density. Because I feel like we're already getting that.

Mr. Adair – You weren't here last time. Bill and I went back and forth several times at the last meeting. We've done a parking requirement, and that reduces the current – I mean, first off, Center City was written to have a substantial increase in density. We've now done a parking requirement, which reduces that. When we come down to 65%, we reduce it again. I have trouble meshing those two together to kind of figure out how far we've pulled it down at that point, which is why, again – and this one, c pulls you back to basically no increase in density, based on the runoff from the impervious area.

Councilmember Hickman – To me the compromise here is I very much was frustrated with how the Form Based Code is being interpreted to allow 85-90% lot coverage in residential areas. There's no place else in Norman where residential areas are allowed to go above 65%. That's just our rule. The part about the drainage study – the engineering piece – is required everywhere else in any other development. It just happens to be that this is an area that's already been ...

Mr. Adair – As a subdivision.

Councilmember Hickman – Correct. At a subdivision level. I understand. Unfortunately, this is an area that is being redeveloped, and I know that's a challenge. I understand what you're saying about the cost, but I do think a drainage study is the way that you ensure that the person who is building on this lot is not dumping everything on that person. Without that drainage plan, the City has no way of really managing that. Because it's all area that's already platted, there is no requirement for a drainage plan to be done. That's why it's in that section that they've drafted.

But I agree with you, Jim. I don't think it's fair to say, well, there was a small development on this lot and it's got 25% coverage and it's got to stay at 25%. I don't think that's fair, because you could go out there and tear down that old house and build a single-family home and put 65% concrete it. So I support that change that you're recommending. But where I draw the line is – in my mind, if we're going to allow them to

go over 65%, like back to where they're kind of able to go right now – 80-85% -- then there needs to be serious mitigation of stormwater, or onsite retention, so that we don't make things worse in the Imhoff watershed that is already in bad shape.

I think part of the theory in this presentation by the Public Works people was to strike that compromise and to put in place a system where there is some checks and balances for the neighbors, with the drainage plan. They can't upgrade – increase in impervious surface on these old lots where it's small development and they can still get to the development at the impervious level they have right now – the 80-85% -- but they're going to have to do some stuff, like deal with that extra percentage of water to get to that enhanced density area. That's what I think staff tried to do. So I support your one change about ...

Mr. Adair – I was looking at it in two pieces. I think the engineering requirements that they've got in here should certainly be sufficient to say you're not creating problems for your neighbor. I'd like to have a less expensive solution than that, but I'm not enough engineer to do that.

Councilmember Holman – I'd say you're right. We don't allow that in other residential areas, but this area between Campus Corner was envisioned to be different than any other areas. It's envisioned to be a densely urban city. Connecting Main Street to Campus Corner as one downtown area in 25 years.

Mr. Brewer – I agree with you there. We also acknowledge that there is a stormwater issue that has to be mitigated. So I am in favor of this compromise. I stated in the last two meetings that I was not in favor of the 65% for that very reason, because this is an area that is supposed to be – what the definition of higher density means, you know. We could certainly discuss that. But I think, if higher density – part of that is 85% coverage, having an incentive that you're required to offset that to get to that 85%, that seems like a great compromise in my mind. Yes, it is more difficult, it is more expensive, and it might be more punitive.

Councilmember Holman – Just trying to get away from suburban development guidelines. When I think 65% with parking requirements and height limits, I'm thinking suburbia. I'm thinking we are artificially placing limitations on market demand. So when I think high density, I think whatever the market thinks that building needs to be so that it doesn't go to the edges is to me what high density is. That demand is what I think is going to continue to grow in this area. I just want to avoid having each individual lot be like a small building that's surrounded – and I love green space, but in this area, I don't want to see a building that's surrounded by a side and a front and a back yard, and another building that's surrounded by a side – I want a continuous block of buildings.

Councilmember Hickman – I think this compromise is going to continue to get us essentially what we're getting, but it's going to require a better planned stormwater solution. Which, right now, we're not getting.

Mr. McCabe – So that I understand this – I understand the requirement of the Section 5000 engineering design criteria. I get that. I agree with Jim, under the proposed drainage requirement under number 2, the section c, the post-redevelopment stormwater runoff rate shall be no greater than the runoff rate prior to redevelopment. I've got a 7,000 sq. ft. lot with 700 sq. ft. home, or 1000, driveway, whatever – I'm at 1400, that's 20% lot coverage. The way that's worded right now, I can't build back more than 20%.

Ms. Starr – That's not what it's saying.

Mr. McCabe – No. That's your interpretation. I'm telling you what mine is. Mine says exactly what the words state. Okay? So if you want to change that to the 65 that we're discussing and actually put the word 65 in there, like the rest of Norman, and actually clarify that language – and I'm not saying right, wrong, or indifferent, but clarify it – I can agree to that. If we're looking at going for this drainage engineering plan prior to bigger or little, do we apply that to – since Stephen wants – and there's a few people that want the density – do we apply that to the incentive when you go above the 65? Because right now, in no development or infill projects, are you requiring this additional design on an infill project. But I'm in complete agreement with you, we have our own animal in Center City and we can't expect stormwater – nobody is going to vote for us and give us any money. We've got to take care of ourselves. I'm with you there. We've got to figure out how to do it. But, like you've stated, if it's 65, like the rest of the City of Norman is, I can live with that. If I can go up to 85 and then that responsibility comes on me for the additional as a builder/developer, I can understand that. I don't like the cost of adding this new engineering design on a small residential property, because if I truly want to build a single-family home to replace a single-family home, you've just added about 35 to \$5,000 in cost to me – which I know money doesn't mean a whole lot to a whole lot of folks, but on a single-family residence, that's pretty substantial. We're not requiring it anywhere else. So those two issues – kind of like the orange, maybe we can find a middle ground here.

Mr. Brewer – Keith, are you saying that engineering on a 65% or ...

Mr. McCabe – I think if you stay at the 65% or less impervious, I don't think it's required anywhere.

Mr. Brewer – But, I guess the extension of my question is, are you saying not requiring it if you go over 65%?

Mr. McCabe – No. Requiring when you go over the 65% threshold.

Mr. Brewer – Engineering is required at that point. Okay. I'm with you.

Mr. McCabe – Yeah. Because then that would allow to build more density – it would allow me to build properties closer, because then I don't have the greenspace to absorb the water. I'm going to have to take into account low-impact development. I'm going

to have to take all of this stuff, so once you hit that 65% threshold and go to that 85, I think that's where this kicks in, and then that insures the – because it's not always my stormwater that affects the neighbors. Okay? A lot of times on these additions, your water is coming to me. Once I build to new grade – and I'm not saying this, but they try very, very hard that I can't put stormwater off on you. Okay? But there's one man that does it in the City of Norman and he tries very, very hard. A lot of times this idea that I'm draining to you is a lot of times your yard actually retaining its own water and you not draining on me, now. I'm building on Park, which is directly north of here, and we're digging down 3' and I'm still hitting groundwater because it was the low area for everybody around there on that single empty lot that's been empty for 5 years. When I build up, I'm not creating more water, but you're going to keep your own water, and so you're going to have the idea that I gave you more water.

Councilmember Hickman – Okay. Hold on, Keith. I appreciate everything you said, and I think we're in agreement. I'm going to let our City Engineer – introduce yourself for the record.

Mr. Sturtz – Scott Sturtz, City Engineer. This is a first shot – this is not a final document that we're saying this is what has to be done. We took information that we gathered from the last meeting – talking about a 65% level and what could we do to exceed that, and that's what we started with. So this is really a framework for discussion. This is not what we're saying has to be dictated and the only thing we're going to support. We're here to work in a cooperative effort with everybody else making Center City come forward in a positive, and a way that's going increase the density.

However, what we have found historically is when we do start increasing the density in many of these areas, within 3 months of final construction I'm getting the phone call – I don't any more. Now Carrie Evenson gets those phone calls – that the neighbor across the alleyway – the neighbors are now having water coming in through the doors. We have to find a way to help abate that.

We say an engineering study here. We're not talking about the full 70-page – all we want to see is what was there before, what we think is going to be there after, so that we have a basis for discussion to begin with. It's more of a sketch type of idea, than it is a full drainage study.

Mr. McCabe – I like what you're saying. But we have a history of interpretation of rules. I agree with you, but I think it needs to be spelled out exactly what you're asking, because this says I give you the 70-page documentation. Whether you meant it or not, it's subject to interpretation.

Mr. Sturtz – This was a staff memo for talking points.

Councilmember Hickman – That's why I wanted to get you in this conversation, so we could give him that feedback. Here's what I'm hearing. Trying to broker a compromise. If you're at 65% or less, you can do the more informal engineering work. I agree with Cameron, I think, if you're going over that 65% and you want that extra, then it's going to have to be – and I think it should be more formalized, better work, so that extra

stormwater we are able to better manage and know what's happening to it, because that is – you're getting more than other people do in a residential area. Would you live with that, Keith?

Mr. McCabe – I can live with that.

Councilmember Hickman – Okay. Can you accommodate that?

Mr. Sturtz – Sure. We can make all those changes. We're totally willing to look at that.

Part of what we heard at the last meeting, also, was is there a way that we can create an incentive program in a way that we could increase. That's kind of what you get to here in the back, is we're saying if there's an LID component, where you can say – and I'm making this up off the top of my head – don't quote me this – a rain barrel is 200 sq. ft. of impervious area – and we're talking about to the level that there will be a design. We say here's a rain garden – it is X feet by X feet and if you install this per this detail, you get X amount of – I mean, we're talking about having designs so you guys aren't having to say, okay, what's our equivalents here? We want to have it to where it's easy, where you have a menu to choose from and you say if we do a, b, and c, we're suddenly at adding 2 parking spaces, or whatever it is – however you choose to use that impervious. That's the incentive to do LID in this area. Your incentive is more developable area, more density. We agree with that. We agree that's kind of the balance here. What we're looking at – we understand it's not going to be a one-for-one. We can't get the exact treatment – there's going to be a compromise. Can we treat what we call the first flush – the first one inch of rain to help that water quality? Because the reality is we've got huge infrastructure costs going all the way to the Canadian River. We can never address the additional impervious area that we're going to be adding.

Councilmember Hickman – In the Imhoff Creek watershed.

Mr. Sturtz – Yeah. That's just fact. There's no way. Unless we buy out large properties and do regional detention.

Councilmember Holman – And Bishop Creek.

Mr. Sturtz – Part of it is in Bishop. It crosses a little bit. But that one is really in no better condition. It's just as bad.

Councilmember Holman – It just doesn't have development along it like Imhoff.

Mr. Sturtz – So what we heard was to come back with something – and to do that, that's going to be a pretty big order. We're going to have to take a lot of time to make sure we really come up with something that's viable. We don't want to come back with something that's either too constrictive or that really isn't doing any good. We want to find that middle spot where we're doing something that we think is representative – that's easy to be installed. I mean, we can't tell you, oh, yeah, if you build a 100x100 rain garden – well, we just ruined your development. We understand that. We want to find

a way that we have something that's smaller in scope that has a design to it that you can just plug and play. Or a cistern. I know Richard talked about cisterns at the last meeting, or rain barrels, or green roofs. Who knows exactly where we go with it all? But, like I said, that's kind of – look at that list on the last page, how do we do these things in a way that would benefit, to help us be able to increase that without having the negative influence on the storm drainage system.

Mr. McCabe – That helps promote larger development.

Mr. Sturtz – We're trying to help with that.

Mr. McCabe – That's exactly what that does. Because on a smaller development, to go over the 65, if we truly use that 65 number, it can be cost-prohibitive on a smaller unit. But if I do it on a larger unit

Councilmember Hickman – You can absorb that cost.

Mr. McCabe – Then you can absorb that cost.

Councilmember Hickman – I like that. Good point, too. So hold on real quick. Scott, on Jim's concerns about 2)b and not to be – no, that's Shakespeare. Do you understand his point, and maybe you don't agree with how it's being interpreted. I understand what Keith was saying and everything. But can we reword that to make it clear, because I do tend to agree with him that right now if it's at 20%, they should be allowed to go to 65%, and I don't know how that flow rate – that wording was intended. Can we clarify that wording?

Mr. Sturtz – We can try to work with that. We definitely agree. In fact, I think we did it actually over on your property, where we took the fact that, even though it was a vacant lot, we accepted the fact that it had been developed and there had been demolition done on that lot, and we took that area that was on there and we took that out of consideration. So we actually did offset that area. I think those are things that we can work with at the recommendation of the committee.

Ms. Hudson – Before Scott leaves, I have a question, and this is just for clarification to make sure I'm clear on this. So when we have a lot – we're talking about the older lot that has a single-family home and it didn't even have a garage, and then they come in and they're going to build a larger structure on there. Number 1 says, if you limit the impervious coverage to 65%, then we're going to do that calculation and we're going to come up with the 65% and then there's nothing else required from them. Is that a yes or a no?

Mr. Sturtz – If they stay below 65%.

Ms. Hudson – So here's my question: it's my understanding that one of the concerns is this lot that had a single-family home, didn't really have any impact on adjacent

properties, because it was only at 20% coverage. Now it's going to 65. Because these areas are already platted, we, as staff, cannot require them to submit a simple site plan that has the drainage of the lot.

Mr. Sturtz – We think we need that on all the lots in the future.

Ms. Hudson – Okay. Well, that's what I was going to ask.

Councilmember Hickman – That's going to be this informal engineering schematic that we were talking about.

Ms. Hudson – Isn't that what b is? Wouldn't that solve b, if you just say – you put b up under number 1, saying that they have to show the drainage – which direction it's going? Don't we want to include b under number 1 as well?

Ms. Starr – I thought 2 was required there as well. Is that not correct?

Councilmember Hickman – These two are both required. Right?

Mr. Sturtz – Yeah.

Ms. Starr – And everything under 2 is required.

Ms. Hudson – I thought we were saying just a moment ago ...

Councilmember Hickman – 1 and 2 are required even if you stay at 65%. The impervious coverage incentive is where you go above 65%.

Mr. McCabe – No, ma'am. I personally – with the 1 and the 2 – it's the 2)c where we're having a discrepancy on how the interpretation.

Ms. Hudson – I'm sorry. Okay.

Mr. McCabe – So it's not 2; it's the 2)c.

Councilmember Hickman – I think the difference here is – I'm not an engineer, but I'm going to act like one – is the runoff rate is different than impervious surface, in a nutshell. The reference to runoff rate isn't necessarily reference to 65%. It's a different engineering calculation than – it doesn't mean you can't have 65%, it's just how it runs off of that lot and where it runs off to. So, while we might strike c, or it may just need to be that it's reworded to be more clear.

Mr. Sturtz – Right. We'll work on that and come back with a revision. We think that grading plan is very important. Right now we're having a lot of issues with that, where we think that there's going to be one set of criteria that's being followed, and then upon the final site grading and the actual completion we're finding out that the water is

actually being directed very differently. There are downspouts going directly into a neighbor's yard and it's going right into the backyard and the backyard is not draining. Or it's going to the alleyway that's going directly across the alleyway and running into the back door of the neighbor across the street. So we do think that we need to see a general grading plan. It doesn't have to be engineered. I mean, it can be – we're going to have this water and it's going to drain out that way out the driveway right to the alleyway and the alleyway drains that direction. But also what that's going to help us with as we're looking at some of these TIF discussions we go further and alleyway improvements, we need to understand what's going to happen when it gets to the alleyway. If we're dumping too much water in the alleyway, we can create a lot of additional problems with erosion and other problems in the alleyway.

So we think that's a viable component, is this grading plan. Like I said, these drainage calcs – these minimal drainage calcs – not a full drainage report – and we will make that clear. I think that we can look, maybe, at the 65% you have the different ...

Mr. Adair – Are we taking care of that saying – is it enough for you to review and Miles to do his job in the field?

Mr. Sturtz – That's where we're having problems. We want to make sure that we're delivering what everybody is expecting to see there, and we're starting with nothing and trying to catch up in the field and that's impacting some of the relations that we're having in the field with the builders and the developers is the fact that we didn't have an initial design thought pattern, and now we're out there trying to figure it out in the field. There have been some situations where, really, we're too late. We've missed the opportunity to make the improvement because we didn't have an initial review of that. That's kind of what we're asking for. We're not looking for a high level, \$6,000 worth of engineering. It's something that somebody could probably do in your site grading anyway to figure out your finished floor elevation. They just need to show us where they expect the drainage to go and how they plan on that.

Mr. Adair – Draft all that in firm language so I can see what it's going to cost me.

Councilmember Hickman – I do think it's fair that, if you're going over the 65% a little tougher standard, it's going to cost you a little more money, if that helps to get bigger projects, it's not a bad thing.

Councilmember Holman – One other question I did have, though, is in regard to Main and Gray Streets. Does that limit Main and Gray?

Mr. Sturtz – Okay. When this was discussed in the last meeting, it was only in the blue and pink – it was not in the orange. To me that's a whole – no. Those are already ...

Councilmember Holman – You're not saying it would be appropriate for Main Street to have 100%.

Mr. Sturtz – Well, Main Street is already 100% for all practical purposes.

Councilmember Holman – There are a few empty lots that are grass still, and I was wondering are we going to say you can only build 65 or 85 on that Main Street lot?

Mr. Sturtz – We'll clarify what areas this will be in, because I do not see this – I don't think it's fair to put that on the orange, either. I think that's a different sub-category of the entire Center City Form Based Code.

Ms. Hudson – Yellow, pink, and blue.

Mr. Sturtz – Yeah. That's what we thought this was going to apply to.

Councilmember Hickman – I think that we leave probably the orange and the red as is in the Form Based Code. Is that right?

Ms. Hudson – Well, if you do all residential in the orange – we don't have orange going down the side streets. We have blue and pink and yellow on the side streets.

Councilmember Hickman – I guess the question becomes, if you do all residential in orange, do we require this?

Mr. Brewer – I see no difference – it's the same impervious surface whether it's commercial or residential. So I don't see why we would require residential to have this impervious surface requirement. I mean, especially if we're looking at future conversion to commercial.

Ms. Hudson – In only orange. You're talking about just the orange?

Mr. Brewer – Yeah.

Councilmember Hickman – Would the committee be – and I'm just looking at it purely from the map perspective. You don't have the houses, so to speak, right abutting each other. Call it a compromise. Say we leave orange and red as is. I think something this committee probably needs to make sure that we do recommend is, I think, that probably what we need to do is make a recommendation to the City that, about every 3 years, we do something like this. We may even keep this going for a little while longer. But we need to come back – this is a living process, like I told people when we voted on it – it's a living document and we need to periodically come back and look at it.

Councilmember Holman – I've seen this lot flooding issue in brand new subdivisions in Ward 7, where a brand new house, brand new cul-de-sac and the house next door that just got built – 3 months later is now causing flooding in the back yard of this other new house. It seems to happen.

Councilmember Hickman – Okay. Lee?

Ms. Hall – Okay. I want to make sure that I understand what we just said here. So you're proposing taking out c, because of the ...

Councilmember Hickman – Rewording it.

Ms. Hall – Okay. Rewording it, because of the conflict with, if you're taking 1000 sq. ft. house, that would limit you to even get to the 65% coverage with anything new that you're building. Right? That's the issue.

Councilmember Hickman – That's the concern how it's being interpreted.

Ms. Hall – Okay, I get that. So 1 and 2, though – so 2, Scott, my question for you is – this would give you a tool that you don't have currently. Is that correct? Okay. That's what I really want to hear. I can think of multiple examples – and one that you're intimately acquainted with – of City staff not having the tool that you need, when you know good and well it's going to be an issue. You also explained to us in excruciating detail, again, the topography of this part of Norman. I totally believe in the concept of high density – I'm not trying to argue that or any of that stuff. But I think it all has to be done in relationship to what we're building on. The fact that we have not been successful in getting a stormwater utility, I totally agree with what you said – we have to take care of ourselves and this is a big opportunity to do that. I would say that this drainage issue for the residents in Core Norman is a substantial issue. To get the kind of support that you want from the Center City Form Based Code, we have to be really intentional about addressing this. So the fact that you now have something that you're proposing that will give you the wherewithal to be able to say this is not going to work and this is how it's going to impact your community – I'm good with that.

Mr. Sturtz – It will at least give us a tool to be able to make some of that evaluation before we're at a point where we can't turn around. We're pregnant with the problem.

Ms. Hall – One of the things I've mentioned before that I reviewed the final charrette summary, and one of the terms that really struck me was "aim high", and I think in this particular issue, we have to aim really high, even if it's a little harder to accomplish what we're going to get, because we haven't taken care of stormwater in other ways. So we have to aim high here to make sure that these building work, and that for the people who are still living on the block or down the street are not going to be suffering the way a lot of residents in this part of town are. Literally the only remedy they have after the fact is to file a lawsuit. The City can't fix it. Nobody can fix it. You have to fix it yourself.

Mr. Brewer – In that regard, I completely agree with you. I said this last, I think, that this has the ability to be a model for other areas of Norman. You said that you're thinking about requiring this sketch on future developments in other parts of

Mr. Sturtz – We have it already. We actually get a full grading plan for every single lot within a new residential subdivision. It's one drawing. So we have that. So sometimes, like in a situation you were talking about – sometimes you go to that property owner and

we pull that out and we say, no, it's supposed to be draining across your property. The problem is you've put a stockade fence and blocked the drainage that was supposed go under your fence. So, yeah, we do have that on residential subdivisions.

Mr. Brewer – Okay.

Mr. Sturtz – So we're kind of taking that model and bringing it in here.

Mr. Brewer – That's great. Which is what we probably need to be looking at for other infill areas within Norman as well.

Ms. Hall – I have one more question for you, Scott. If, like you just said, you have a drainage plan for other areas of town, it seems like we're deserving of that as well. So, if there is a problem after the fact that was unanticipated, for whatever reason, with what you originally evaluated, what remedy do you have as the City now to – I mean, can you go back, because you have this drainage plan, and say ...

Mr. Sturtz – Basically, when we go to do our final engineering inspection, we would say this isn't meeting the intent of the plans that we have. At that point you can hold an occupancy permit, so you actually get – help you with getting it into compliance. I will say that, like Keith said, there are situations where actually what they have done is raise up a low area, which may help that developer of that lot, realize that and then you can work in a cooperative effort to find ways to remedy that ahead of time. I think it can actually benefit the developer in some instances – maybe not all of them. But it may help be a better neighbor and benefit the neighborhood at large in many cases.

Councilmember Hickman – Well, it sounds like we – I'm sorry, Lee, go ahead.

Ms. Hall – I just have one more question. So if we can all agree to support this, then going forward – if you take a few examples that we have discussed, would that have helped you in the past to have this done so that you could go back and say this is the problem that's been created?

Mr. Sturtz – I think it could have helped. I mean, part of the problem is you are always at the mercy of that person who is putting their signature down on the line. But at least if we went out to do a review of it ahead of time, we could go, wait a minute, that doesn't seem to make sense. And so we would be able to ...

Ms. Hall – You would have more ability to step in – instead of solving the problem later, you would have more of an ability to negotiate a solution before it ever happened.

Mr. Sturtz – Right. To try to avoid some.

Mr. Adair – Scott, I really want to encourage you to look for some regional solutions in Center City. I mean, 12 years ago, we got additional storm sewer in the 3 blocks of East Main because we had some capacity on Porter that we could go down to.

Councilmember Hickman – I would love for us to find an area where we could buy up some land and create a regional detention pond to capture some of this water, to alleviate some of the strain downstream. But that's a longer-term solution. I think it's something we could put on their radar screen.

Mr. Adair – I think it's something a lot of us anticipated, hopefully, in our TIF.

Councilmember Hickman – Yeah, you're right. Right now it's not a TIF project, I don't think. But we're going to get to that and we're making progress and we might get to the TIF discussion.

Mr. McCabe – Maybe it's not a citywide stormwater vote.

Councilmember Hickman – Yes. So we need to wrap up. We've run over and I appreciate staff and everybody that's here that's come around and sat. Thank you very much. A question I have for you is can you have this updated for our next meeting on the 21st? I think, if we get this cleaned up, we're about ready to check this off the list also and have the committee vote on it. Sounds like we all are in agreement with what the compromise and the solution we want – it's just now – and I understand you may not have whatever – I look at the list as being something that's here are the things that you can consider, and until you see it on a lot-by-lot basis and you work with that project on project-by-project basis, that's how you're going to determine – okay, now, we'll let you go from 65 to 75, because you're doing these things. I don't know if we're going to be able to get that hammered out in that level of detail and have it actually in the ordinance and say if you do this then you get 10 extra feet. If you do this you get 50 extra feet. I think it's going to have to be almost on a project-by-project basis. Do you agree with that, Keith?

Mr. McCabe – Yes, sir.

Councilmember Hickman – So a list of options that you can bring forward and meet with them and work with them on. Are you comfortable with that approach?

Mr. McCabe – Absolutely.

Councilmember Hickman – So next Tuesday.

Mr. Sturtz – We'll have it.

Ms. Hudson – Tuesday, 11:00 to 1:00.

Councilmember Hickman – Tuesday, 11:00 to 1:00, lunch will be provided. In this room. Okay. Thank you guys very much. Thank you staff.

Adjourned at 4:29 p.m.